

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

Plaintiff,

v.

MARK PHILLIPS,

Defendant.

ORDER

22-CR-6058CJS

Currently pending before this Court is a motion by Mark Phillips to dismiss the indictment. (Docket # 37). The government opposed the motion (Docket # 42), and this Court conducted oral argument on October 5, 2022. During oral argument, the parties requested the opportunity to submit supplemental briefings to address *United States v. Iossifov*, 45 F.4th 899 (6th Cir. 2022), a recent decision issued by the Sixth Circuit. Accordingly, it is hereby

ORDERED, that defendant's supplemental submission in further support of the pending motion to dismiss shall be filed on or before **October 17, 2022**. It is further

ORDERED, that the government shall respond to the defendant's supplemental submission on or before **October 31, 2022**. Upon receipt of the supplemental submissions, the Court will determine whether further oral argument will be held, and if the Court determines not to hold further oral argument, the matter will be considered fully submitted on October 31, 2022. Time is excluded under 18 U.S.C. § 3161(h)(1)(D) due to the pendency of motions until all supplemental submissions have been filed, and any oral argument thereon has been conducted,

and in the interests of justice under § 3161(h)(7) between today and October 31, 2022, to permit counsel sufficient time to file supplemental submissions relating to defendant's pending motion.

IT IS SO ORDERED.

s/Marian W. Payson

MARIAN W. PAYSON
United States Magistrate Judge

Dated: Rochester, New York
October 6, 2022